

FILED

AUG 07 2014

CITY CLERK

SPECIAL ORDINANCE NO. 20, 2014

AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana:

SECTION 1. Pursuant to the provisions of I.C. 36-7-3-12, it is desired and deemed necessary to vacate a portion of a public street located in the City of Terre Haute, Vigo County, Indiana, which is now laid out and existing in the City of Terre Haute, Indiana, and described as follows:

Public Street #1

All that part of the generally east/west section of Greenwood Street bounded:

on the North by:

1. Parcel No. 84-06-33-404-007.000-002

Address: 320 Greenwood Street, Terre Haute, IN 47802

Legal Description: Lot 100 in George R Preston's Subdivision of part of Krumbhaar's Subdivision of the North West $\frac{1}{4}$ of the South East $\frac{1}{4}$ of Section 33, Township 12 North, Range 9 West, in Terre Haute, Indiana; and

2. Parcel No. 84-06-33-404-008.000-002

Address: 2427 S 4th Street, Terre Haute, IN 47802

Legal Description: Lot 109 in George R Preston's Subdivision of part of Krumbhaar's Subdivision of the North West $\frac{1}{4}$ of the South East $\frac{1}{4}$ of Section 33, Township 12 North, Range 9 West, in Terre Haute, Indiana;

on the South by:

3. Parcel No. 84-06-33-408-001.000-002

Address: 2501 S 4th Street, Terre Haute, IN 47802.

Legal Description: Lot 108 in George R Preston's Subdivision of part of Krumbhaar's Subdivision of the North West $\frac{1}{4}$ of the South East $\frac{1}{4}$ of Section 33, Township 12 North, Range 9 West, in Terre Haute, Indiana;

and on the West by:

3. The CSX Transportation Inc. parcel bearing Parcel No. 84-06-33-503-005.000-002;

and on the East by:

4. Parcel Nos. 84-06-33-404-008.000-002

Address: 2427 South 4th Street

Legal Description: Lot 109 in George R Preston's Subdivision of part of Krumbhaar's Subdivision of the North West ¼ of the South East ¼ of Section 33, Township 12 North, Range 9 West, in Terre Haute, Indiana; and

5. Parcel Nos. 84-06-33-408-001.000-002

Address: 2501 South 4th Street in Terre Haute, Indiana 47802

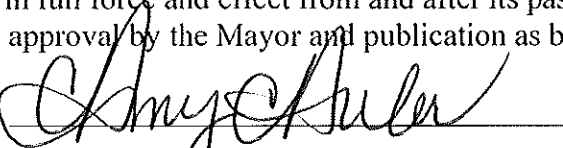
Legal Description: Lot 108 in George R Preston's Subdivision of part of Krumbhaar's Subdivision of the North West ¼ of the South East ¼ of Section 33, Township 12 North, Range 9 West, in Terre Haute, Indiana.

SECTION 2. Be it further ordained that said portion of said public street in the City of Terre Haute, Indiana, above described, be and the same is vacated and will revert to the abutting properties, subject to the continuation of any and all existing easement rights for public utilities.

SECTION 3. Be it further ordained that the City Clerk be, and he is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

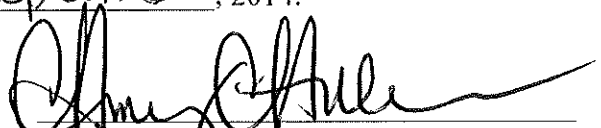
WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented By

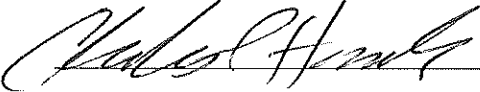


Amy Auler, Councilwoman, First District


Passed in open Council this 1st day of September, 2014.


Amy Auler, President

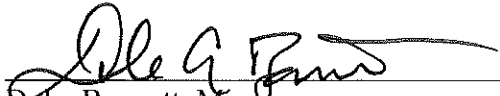
ATTEST:

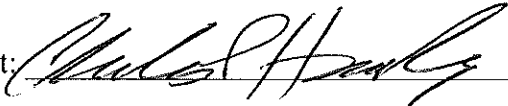
_____, Chuck Hanley, City Clerk

Presented by me to the Mayor this 12th day of September, 2014.


_____
Chuck Hanley, City Clerk

Approved by me, the Mayor, this 12th day of SEPTEMBER, 2014.

_____
Duke Bennett, Mayor

Attest: _____, Chuck Hanley, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

_____
Neil A. Black

This instrument prepared by: Neil A. Black, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP, 333 Ohio Street, Terre Haute, IN 47807

PETITION FOR VACATION OF A PORTION OF PUBLIC STREET

TO THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF
TERRE HAUTE, VIGO COUNTY, INDIANA

LADIES AND GENTLEMEN:

Culp Ventures, LLC, as the owner of land abutting a certain public street, respectfully petitions and requests the legislative body of the City of Terre Haute, Indiana, to vacate that portion of the public street described below pursuant to the provisions of I.C. 36-7-3-12, and in support of this Petition would show to the Common Council of said City as follows:

1. Culp Ventures, LLC, Petitioner, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lot 100 in George R Preston's Subdivision of part of Krumbhaar's Subdivision of the North West ¼ of the South East ¼ of Section 33, Township 12 North, Range 9 West, in Terre Haute, Indiana.

Said real estate is commonly known as 320 Greenwood Street, Terre Haute, IN 47802.

2. An approximately 73 ½ foot long section of Greenwood Street runs east-west adjacent to property owned by Culp Ventures, LLC, and said street, beginning at southwestern corner of Lot 100 and extending to the east until the street dead-ends into the portion of Greenwood Street that was previously vacated by Special Ordinance 6, 2000, is bounded as follows:

On the North, by Lots 100 and 109 in George R Preston's Subdivision of part of Krumbhaar's Subdivision of the North West ¼ of the South East ¼ of Section 33, Township 12 North, Range 9 West, in Terre Haute, Indiana;

On the South, by Lot 108 in George R Preston's Subdivision of part of Krumbhaar's Subdivision of the North West ¼ of the South East ¼ of Section 33, Township 12 North, Range 9 West, in Terre Haute, Indiana; and

On the West, the CSX Transportation Inc. parcel bearing Parcel No. 84-06-33-503-005.000-002;

On the East, by Lots 108 and 109 in George R Preston's Subdivision of part of Krumbhaar's Subdivision of the North West ¼ of the South East ¼ of Section 33, Township 12 North, Range 9 West, in Terre Haute, Indiana.

That the attached aerial photograph highlights in blue the portion of the public street which Petitioner seeks to have vacated. Said portion of the public street to be vacated is the entire portion of Greenwood Street that lies between the bounded area (the approximately 0.07 acre, nearly

triangular piece) set forth above. This vacation will effectively vacate the entire piece of Greenwood Street between the railroad on the one hand, and Lots 108 and 109 as described above on the other hand. Petitioner is the owner of abutting property to the north of that portion of the street to be vacated.

2. Nader A. Afshar is the owner of the parcels (Nos. 84-06-33-404-008.000-002 and 84-06-33-408-001.000-002) that border this street to the northeast, east, and south. For this reason, Nader A. Afshar should be given notice of this petition. CSX Transportation Inc. operates a track that borders this street to the west, and should also be given notice of this petition. No other landowner adjoins and abuts that portion of the public street to be vacated, so no landowners would be adversely affected by the vacation of the same.

3. Petitioner, at the recommendation of the City Engineer, proposes the vacation of that portion of the public street because:

- This portion of Greenwood Street is currently not accessible by any public street, and productive use of this land will be lost unless this street is vacated.
- The vacation will enhance the growth and orderly development of the neighborhood in which this land is located.
- This street dead-ends to the west and east (with this portion of Greenwood street having previously been vacated), and does not connect to any public streets except the northern public alley, which is being considered for vacation by Special Ordinance 16.

4. The proposed vacation would not hinder the use of any public alley or street; and as set forth above, the proposed vacation would not make access to any land by any person by means of a public way difficult or inconvenient; nor would said vacation hinder any member of the public's access to a church, school, or other public building or place.

5. The names and addresses of the owners of land that abut that portion of said street proposed to be vacated are:

Culp Ventures, LLC
P.O. Box 2038
Terre Haute, IN 47802

Nader A Afshar
906 Azalia Drive
Terre Haute, IN 47802

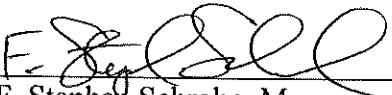
CSX Transportation Inc.
500 Water Street
Jacksonville, FL 32202

WHEREFORE, Petitioner respectfully requests and petitions the Common Council of the City of Terre Haute, Indiana, after hearing on this Petition in accordance with law, to:

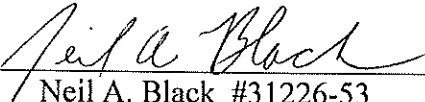
- A) Adopt an Ordinance vacating that portion of the public street referred to and described above;
- B) Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the County Recorder of Vigo County for recording and to the County Auditor, and to thereupon cause the Recorder to release said Ordinance to the Vigo County Area Planning Department for distribution in accordance with paragraph 1125.06 of the City's Zoning Ordinance; and
- C) For all other proper relief in the premises.

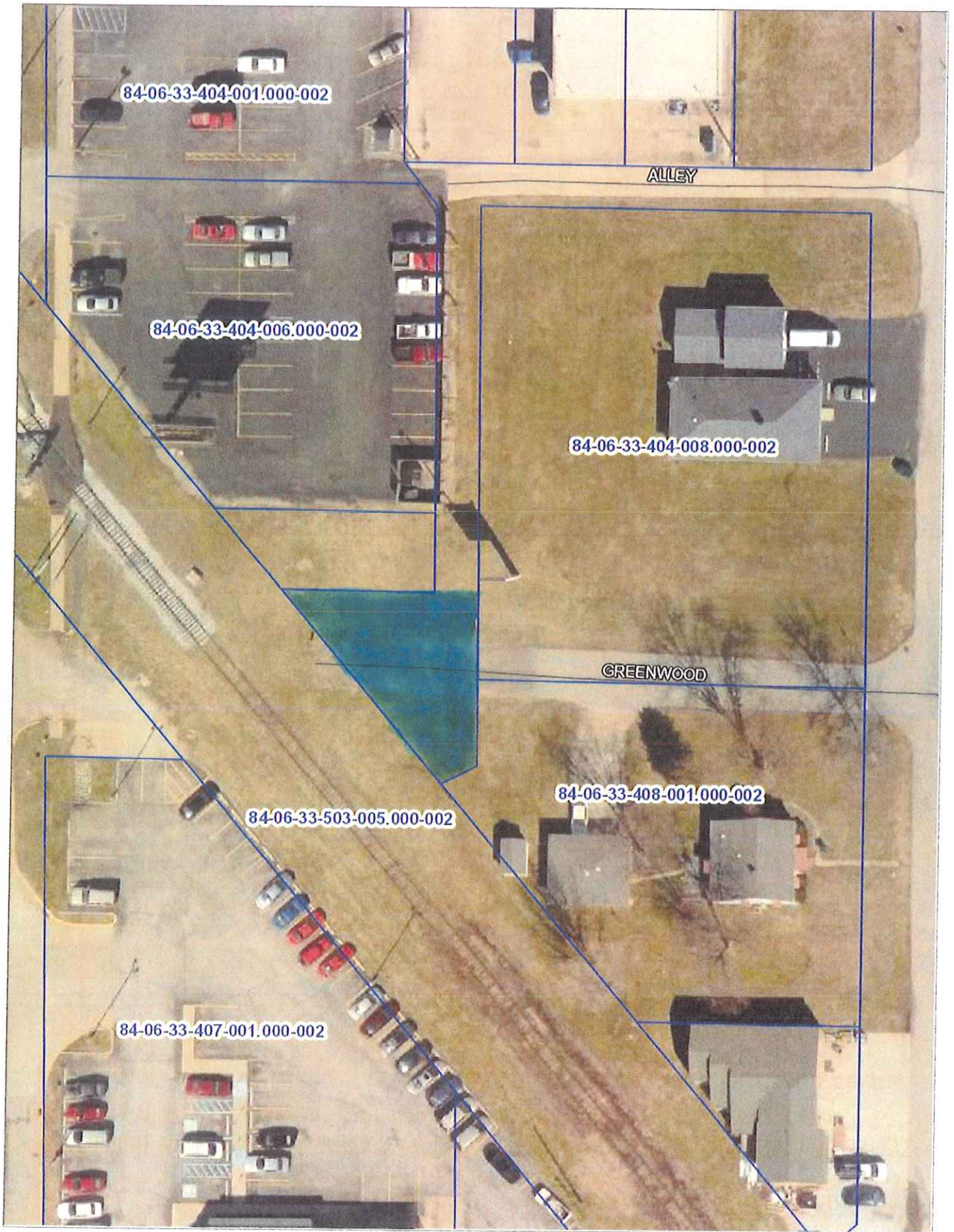
Respectfully submitted,

Culp Ventures, LLC

By: 
F. Stephen Schrohe, Manager

Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP
333 Ohio Street, Terre Haute, IN 47807
Telephone: (812) 232-4311
Facsimile: (812) 235-5107

By: 
Neil A. Black #31226-53



84-06-33-404-001.000-002

ALLEY

84-06-33-404-006.000-002

84-06-33-404-008.000-002

GREENWOOD

84-06-33-503-005.000-002

84-06-33-408-001.000-002

84-06-33-407-001.000-002

AFFIDAVIT
OF
F. STEPHEN SCHROHE
MANAGER OF CULP VENTURES, LLC

COMES NOW F. Stephen Schrohe, and affirms under penalties of law that:

1. Affiant is the sole Manager of Culp Ventures, LLC, an Indiana limited liability company, and as such is duly authorized to represent and make this Affidavit for and on behalf of Culp Ventures, LLC.

2. Culp Ventures, LLC is a limited liability company lawfully organized and existing under the laws of the State of Indiana.

3. In Affiant's capacity as Manager of Culp Ventures, LLC, he is in charge of and is familiar with the properties owned by Culp Ventures, LLC. Affiant represents and warrants that Culp Ventures, LLC, is or will be the owner of record of the following parcel of real estate located in Terre Haute, Indiana, to-wit:


a. Parcel No. 84-06-33-404-007.000-002

Address: 320 Greenwood Street, Terre Haute, IN 47802

Legal Description: Lot 100 in George R Preston's Subdivision of part of Krumbhaar's Subdivision of the North West ¼ of the South East ¼ of Section 33, Township 12 North, Range 9 West, in Terre Haute, Indiana.

Attached hereto are copies of Warranty Deeds evidencing such ownership.

I affirm, under penalties for perjury, that the foregoing representations are true.



F. Stephen Schrohe, Manager of
Culp Ventures, LLC

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, F. Stephen Schrohe, Manager of Culp Ventures, LLC, and a duly authorized representative of said

limited liability company, who acknowledges the execution of the above and foregoing Affidavit, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal this 7th day of August, 2014.

A handwritten signature in blue ink, reading "Karen S. McCammon", is written over a horizontal line.

KAREN S. MCCAMMON
Notary Public
SEAL
Vigo County, State of Indiana
My Commission Expires August 12, 2015

This instrument prepared by: Neil A. Black, Attorney, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP, 333 Ohio Street, Terre Haute, IN 47807.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JUN 02 2003

REC-1111 DEC 2 2003
EGR Date 06/02/2003 Time 15:12:44
Mitchell Newton 2P
Vigo County Recorder
Filing Fee: 16.00
I 200316357 Page 1 of 2


JAMES H. KRAMELL
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Pfister Realty Investment, LLC ("Grantor"), an Indiana Limited Liability Company organized and existing under the laws of the State of Indiana, CONVEYS AND WARRANTS to Culp Ventures, LLC ("Grantee"), an Indiana Limited Liability Company organized and existing under the laws of the State of Indiana, for the sum of One Dollar (\$1.00) and other valuable consideration paid to an Accommodator, pursuant to an IRC § 1031 Exchange, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana, to-wit:

Section I

Lots 51, 52, 53, 54 and 55 in Fort Harrison Acres, a subdivision of part of the South West Quarter of Section 2, Township 12 North, Range 9 West, as per plat recorded in Plat Record 16 Page 29 of the records in the Recorder's Office of Vigo County, Indiana. Also that part of the Northwest one-half of the alley adjoining the Easterly ends of the said Lots 51, 52, 53, 54, and 55 as vacated by the Board of Public Works and Safety of the City of Terre Haute, Indiana, by Declaratory Resolution No. 1, 1973, dated March 12, 1973, in Miscellaneous Record 173 Page 305.

Except that part thereof conveyed to City of Terre Haute by deed from the Lincoln National Life Insurance Company dated November 13, 1974 and recorded February 24, 1975 in Deed Record 364 Page 476-2.

Also except that part thereof conveyed to City of Terre Haute by deed from United Investors Corporation dated November 27, 1973 and recorded November 29, 1973 in Deed Record 361 Page 34.

All records in the Vigo County Recorder's Office.

Section II

Lots 95, 96, 97, 99, and 100 in George R. Preston's Subdivision of part of Krumbhaar's Subdivision of the North West ¼ of the South East ¼ of Section 33, Township 12 North, Range 9 West, in Terre Haute, Indiana.

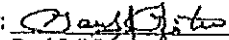
Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

Subject to all restrictions, easements and encumbrances of record.

The undersigned person executing this Warranty Deed on behalf of the said Grantor represents and certifies that he is a Member of said limited liability company and has been fully empowered, by proper resolution of the Members of Pfister Realty Investment, LLC to execute and deliver this deed; that the Grantor has full capacity to convey the real estate described herein, and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the said Pfister Realty Investment, LLC has caused this Warranty Deed to be executed this 30th day of May, 2003.

PFISTER REALTY INVESTMENT, LLC

By: 
Paul J. Pfister, Manager

2

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

BEFORE ME, a Notary Public in and for and a resident of said County and State, personally appeared Paul J. Pfister, Member and Manager of Pfister Realty Investment, LLC, an Indiana Limited Liability Company, organized and existing under the laws of the State of Indiana, and acknowledged the execution of the foregoing Warranty Deed for and on behalf of said limited liability company, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 30th day of May, 2003.

My commission expires:

10-18-06

Jeffrey A. Lewellyn
Notary Public

Printed: Jeffrey A. Lewellyn
Resident of Vigo County, Indiana

THIS INSTRUMENT PREPARED BY:
Jeffrey A. Lewellyn, Attorney
333 Ohio Street, P.O. Box 800
Terre Haute, IN 47808

MAIL TAX DUPLICATES TO:
Culp Ventures, LLC
96 Pizza Hut
P.O. Box 3387
Terre Haute, IN. 47803

TO THE CLERK OF THE CITY OF TERRE HAUTE:

RE: Petition to Vacate a Portion of a Public Street Filed by Culp Ventures, LLC

PRAECIPE REQUESTING SERVICE OF NOTICE

GENTLEMEN:

On behalf of Culp Ventures, LLC, the owner of Lot 100 in George Preston's Subdivision of part of Krumbhaar's Subdivision of the North West ¼ of the South East ¼ of Section 33, Township 12 North, Range 9 West in Terre Haute, IN, who has concurrently herewith filed a Petition to vacate a portion of a public street, we request that you give notice of the filing of this Petition and of the time and place of hearings thereon by the Common Council of the City of Terre Haute in accordance with I.C. 36-7-3-12 by:

A) Causing notice in substantially the form attached hereto to be published in the Terre Haute Tribune-Star in accordance with I.C. 5-3-1; and

B) By mailing a copy of said notice by certified mail return receipt requested to the following owners of land abutting the street portion proposed to be vacated:

Culp Ventures, LLC
P.O. Box 2038
Terre Haute, IN 47802

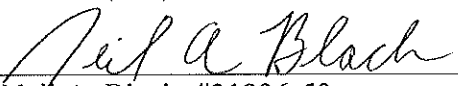
Nader A Afshar
906 Azalia Drive
Terre Haute, IN 47802

CSX Transportation Inc.
500 Water Street
Jacksonville, FL 32202

and to cause proof of the publication thereof to be filed in this cause, together with the Clerk's return showing publication and mailing accordance herewith.

Respectfully submitted,

Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, IN 47807
Telephone: (812)232-4311
Facsimile: (812)235-5107

By: 
Neil A. Black #31226-53

Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: 8/7/14

Name: Wilkinson, Goeller, Modest Wilkinson & Drummy

Reason: Vacate Alley Permit
7th & Voorhees

TERRE HAUTE, IN
PAID

Cash: _____

Check: 500 CK# 88224

AUG -7 2014

Credit: _____

Total: 500

CONTROLLER

Received By: Sat/H Ellis

**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375**

To: Building Inspector, City of Terre Haute

Special Ordinance 20, 2014

August 15, 2014

The street/alley as noted on attached ordinance needs posting at least ten (10) days prior to passage of ordinance. Please indicate posting date and return to the City Clerk's Office by August 29, 2014.

Daniel Bell
(Signature)

Daniel Bell
(Printed name)

LEAD Inspector
(Title)

8-22-2014
(Date Posted)

**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375**

To: **TERRE HAUTE FIRE DEPARTMENT**

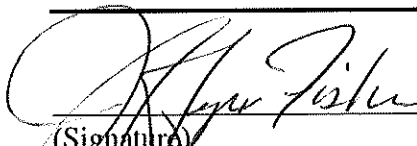
Special Ordinance 20, 2014

August 15, 2014

In accordance with General Ordinance 7, 1990, the City Clerk's Office must poll various departments in regard to the closing of a street or alley. Please review the attached ordinance and indicate any problems you see with the proposed closing. If there are any problems, please write in the space below. Return to the City Clerk's Office by August 29, 2014.

☒ No Problems Noted

☐ Problems as noted below


(Signature)
JEFFERY W. FOSTER
(Printed name)

FIRE CHIEF
(Title)
8-20-14
(Date)

**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375**

To: **Street Department, City of Terre Haute**

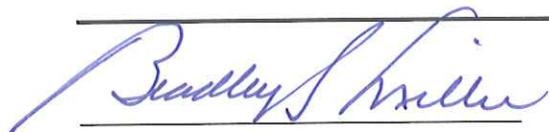
Special Ordinance 20, 2014

August 15, 2014

In accordance with General Ordinance 7, 1990, the City Clerk's Office must poll various departments in regard to the closing of a street or alley. Please review the attached ordinance and indicate any problems you see with the proposed closing. If there are any problems, please write in the space below. Return to the City Clerk's Office by August 29, 2014.

☒ No Problems Noted

☐ Problems as noted below



(Signature)

BRADLEY S. MILLER

(Printed name)

TRANSPORTATION DIRECTOR

(Title)

8/20/2014

(Date)

**CITY CLERK OF TERRE HAUTE
ROOM 102 CITY HALL
TERRE HAUTE, IN 47807
812-232-3375**

To: **TERRE HAUTE CITY POLICE DEPARTMENT**

Special Ordinance 20, 2014

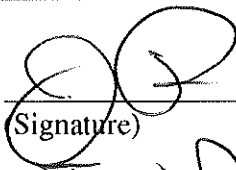
August 15, 2014

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X

No Problems Noted

_____ Problems as noted below



(Signature)

JOHN PLASSE

(Printed name)

CHIEF OF POLICE

(Title)

8-20-14

(Date)